KA / BG-GPO/2515/WPP-47/2006-2008




# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

| ಸಂಪುಟ ೧೪೩ | ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಡಿಸೆಂಬರ್ ೧೮, ೨೦೦೮ (ಮಾರ್ಗಶಿರ ೨೭, ಶಕ ವರ್ಷ ೧೯೩೦) | ಸಂಚಿಕೆ ೫೦ |
|---|---|---|


## ಭಾಗ–೪

## ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ**

**ಅಧಿಸೂಚನೆ**

**ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 48 ಕೇಶಾಪ್ರ 2008, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25ನೇ ನವೆಂಬರ್ 2008**

2008ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 13ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Agricultural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008 (No. 8 of 2008) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

**MINISTRY OF LAW AND JUSTICE**

**(Legislative Department)**

**New Delhi, the 13th October, 2008/Asvina 21, 1930 (Saka)**

**THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY (AMENDMENT) ORDINANCE, 2008**

**No. 8 OF 2008**

**Promulgated by the President in the Fifty-ninth Year of the Republic of India.**

An Ordinance to amend the Agricultural and Processed Food Products Export Development Authority Act, 1985.

WHEREAS the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

**1. Short title and commencement.-** (1) This Ordinance may be called the Agricultrural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

**2. Amendment of section 2.-** In the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986) (hereinafter referred to as the principal Act), in section 2,-

(a) in clause (g), for the words "Scheduled products", the words "Scheduled products or, as the case may be, Special products" shall be substituted;

(b) in clause (i), for the words "the Schedule", the words "the First Schedule" shall be substituted;

(c) after clause (i), the following clause shall be inserted, namely:-

(j) "Special product" means any of the agricultural or processed food products included in the Second Scheduled.'.

**3. Substitution of new section for section 3.-** For section 3 of the principal Act, the following section shall be substituted, namely:-

**"3. Power to amend Schedule.-** The Central Government may, having regard to the objects to this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, the First Schedule or the Second Schedule any agricultural or processed food product and on such addition, or as the case may be, omission, such product shall be, or shall cease to be, a Scheduled product or Special product as the case may be.".

**4. Amendment section 4.-** In section 4 of the principal Act, in sub-section (4), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely:-

"(iii) other Scheduled products or Special products industries;".

**5. Insertion of new section 10A.-** After section 10 of the principal Act, the following section shall be inserted, namely:-

**10A. Functions in respect of special products etc.-** Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as my be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

**Explanation.-** For the purpose of this section "Intellectual Property" means any right to intangible property, namely, trade marks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force.".

**6. Amendment of section 32.-** In section 32 of the principal Act, after clause (h), the following clause shall be inserted, namely:-

"(ha) the measures for registration and protection of the Intellectual Property rights under section 10A;".

**7. Amendment of the Schedule.-** The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:-

**"THE SECOND SCHEDULE**

[See section 2(j)]

Basmati rice.".

**PRATIBHA DEVISINGH PATIL,**
President

**T.K. VISWANATHAN,**
Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

**ಆರ್. ಆಂಜಿನಿ**

ಪಿ.ಆರ್. 73

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ**

**ಅಧಿಸೂಚನೆ**

**ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 44 ಕೇನಿಪ್ರ 2008, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ನವೆಂಬರ್ 2008**

2008ನೇ ಸಾಲಿನ 23.10.2008, 24.10.2008 ಮತ್ತು Sept 7-Sept 13, 2008ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i) ಮತ್ತು 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. ಮತ್ತು GSR ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

1) S.O.2506 (E) Notification No. F.No. 1/12005-BM Dated 23.10.2008
2) S.O.2518 (E) Notification No. F.No.RW/NH-12037/1050/2000 KNT/P-7 Dated, 22.10.2008.
3) S.O.2520 (E) Notification No. F.No. 6/4/2008-IR, Dated 17.10.2008
4) GSR 168 Notification F. 34(7)/2008-Judl, Dated 3.9.2008.

**MINISTRY OF WATER RESOURCES**

**NOTIFICATION**

**New Delhi, the 23rd October, 2008**

**S.O. 2506 (E).-** Whereas, the Cauvery Water Disputes Tribunal was constituted on 2nd June, 1990 vide notification number S.O.437(E) under Section 4 of the Inter-State River Water Disputes Act, 1956 (33 of 1956) for the adjudication of the water disputes regarding Inter-State River Cauvery and river valley there of;

And whereas the Cauvery Water Disputes Tribunal was required to submit its report and decision under sub-section (2) of Section 5 of the said Act on or before 5th August, 2005;

And whereas the Central Government, vide notification number S.O.980(E) dated the 12th July, 2005 had extended the period of submission of report and decision for a further period of one year with effect from 6th August 2005;

And whereas the Central Government vide notification number S.O. 1399(E) dated 1st September, 2006 extended the period of submission of report and decision for a further period of six months with effect from 6th August, 2006;

And whereas Cauvery Water Disputes Tribunal submitted its report and decision under sub-section (2) of Section 5 of the said Act on 5th February, 2007;

And whereas the party States and Central Government made further reference to the Cauvery Water Disputes Tribunal under proviso to sub-section (3) of Section 5 of the said Act, on 27th April, 2007, 30th April, 2007 and 3rd May, 2007 and the Tribunal had to submit a further report within one year from 3rd May, 2007;

And whereas Cauvery Water Disputes Tribunal requested to extend the period of submission of further report;

And whereas the Central Government vide notification No. S.O. 1164(E) dated 16th May, 2008 extended the period of submission of further report by the Cauvery Water Disputes Tribunal for a further period of six months with effect from 3rd May, 2008.

And, whereas Cauvery Water Disputes Tribunal has again requested to extend on the period of submission of further report for a further period of one year with effect from 3rd November, 2008.

Now, therefore, in exercise of the powers conferred by proviso to sub-section (3) of section 5 of the said Act, the Central Government hereby extends the period of submission of further report by the Cauvery Water Disputes Tribunal for a further period of one year with effect from 3rd November, 2008.

[F. No. 1/1/2005-BM]

**INDRA RAJ,** Commissioner (Projects)

**MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS**

**(Department of Road Transport and Highways)**

**NOTIFICATION**

**New Delhi, the 22nd October, 2008**

**S.O. 2518(E).-** In pursuance of clause (a) of Section 3 of the National Highways Act, 1956 (48 of 1956), and in supersession of the notification of the Government of India number S.O. 1123(E), dated the 9th July, 2007, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated 11th July, 2007, except as respects things done or omitted to be done before such supersession, the Central Government hereby authorises the Special Land Acquisition Officer, National Highway, Dharwad, to perform the functions of the competent authority, in respect of the lands of Survey numbers 119/2, 120/2 and 120/4 of Gabbur village in Hubli taluk, Survey number 215/2B of Gokula village in Hubli taluk, Survey number 19/1 of Sanna Somapura village in Dharwad taluk and Survey number 19/2 of Mansur village in Dharwad taluk in the State of Karnataka, which are acquired for the purpose of building, maintenance, management and operation of by pass road for National Highway No.4 between Hubli and Dharwad from Km 403/800 to Km 433/200.

[F.No. RW/NH-12037/1050/2000-KNT/P-7]

**PRABHAKAR,** Dy. Secy.

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

**(Department of Personnel and Training)**

**NOTIFICATION**

**New Delhi, the 17TH October, 2008**

**S.O. 2520(E).-** In pursuance of sub-section (3) of Section 12 of the Right to Information Act,2005 (22 of 2005), the President is pleased to appoint Shri Shailesh Gandhi as the Information Commissioner with effect from the 18th September, 2008.

[F.No.6/4/2008-IR]

**Dr. S.K. SARKAR,** Jt. Secy.

**MINISTRY OF LAW AND JUSTICE**

**(Department of Legal Affairs)**

**(Judicial Section)**

**New Delhi, the 3rd September, 2008**

G.S.R. 168.- In exercise of the powers conferred by clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby appoints Shri G.C. Mishra, Assistant Legal Adviser, as Government Pleader for the High Court of Karnataka at

Bangalore, for the purpose of this order, with effect from the date of publication of this Notification in the Official Gazette.

[No. F. 34(7)/2008-Judl.]

**M.A. KHAN YUSUFI,** Jt. Secy. & Legal Adviser

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

**ಆರ್. ಆಂಜಿನಿ**

ಪಿ.ಆರ್. 74

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ**

**ಅಧಿಸೂಚನೆ**

**ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 45 ಕೇನಿಪ್ರ 2008, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27ನೇ ನವೆಂಬರ್ 2008**

2008ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 7ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O.2421 (E) (Notification No.46/18/2008-T, ದಿನಾಂಕ 7.10.2008 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

**LOK SABHA SECRETARIAT**

**NOTIFICATION**

**New Delhi, the 7th October, 2008**

**S.O. 2421(E).-** The following Decision dated 3 October, 2008 of the Speaker, Lok Sabha given under the Tenth Schedule to the Constitution of India is hereby notified:-

"Decision of the Hon'ble Speaker, Lok Sabha on the petition given by Shri Santosh Gangwar, MP against Dr. H.T. Sangliana, MP under the Tenth Schedule to the Constitution

In the matter of:

Shri Santosh Gangwar, Chief Whip, BJP, 2, Parliament House, New Delhi.

-Petitioner

**Versus**

Dr.H.T. Sangliana, Member of Parliament (Lok Sabha) Delhi
Address : B-704, M.S. Flats, B.K.S. Marg,
New Delhi-110 001 Permanent Address : Flat No. 628,
Ghataprabha B-4, National Games Housing Complex,
Bangalore-560047 (Karnataka).

- Respondent

**ORDER**

1. This is a petition filed by Shri Santosh Gangwar, Chief Whip of Bharatiya Janata Party (BJP) in Lok Sabha against Dr. H.T. Sangliana, MP, Lok Sabha praying for an order of disqualification of the Respondent from being and continuing as a Member of the present Lok Sabha under the Tenth Schedule to the Constitution of India on account of his exercising his vote in violation of the party whip issued on him by the Petitioner as the Chief Whip of the BJP during the Motion of Confidence moved by the Prime Minister in Lok Sabha on 21 July, 2008.

2. It is contended by the Petitioner that the Respondent, who is a Member of the Lok Sabha, has been elected from Bangalore North (Karnataka) constituency on the "BJP ticket" and the name of the Respondent appears in the list of BJP Members published by Lok Sabha.

3. According to the petitioner, the BJP, on 18 July, 2008 issued a three line whip to all its Members in Lok Sabha, including the Respondent to be present in the House on 21 and 22 July, 2008 and vote against the Motion of Confidence in the Union Council of Ministers. A copy of the whip has been set out in the Petition.

4. It is contended by the Petitioner that the Respondent, in spite of the whip having been issued to him by the BJP, on whose ticket the Respondent was elected to Lok Sabha, voted in favour of theMotion in gross violation of the party whip and direction and as such has incurred the disqualification for being a Member of the Lok Sabha and that his voting against the party's direction has not been condoned by the party.

5. The Respondent, by a letter dated 4 August, 2008 addressed to the Joint Secretary, Lok Sabha Secretariat, in reply to the Petition, has contended that "to the best of my knowledge I did not receive any such direction from Shri Santosh Gangwar either in writing or orally as required under rule 6 of the Rules". He has further contended that the proof of service of direction on him should be communicated to him to take further action.

6. A reply called replication has been filed by the petitioner in answer to the reply of the Respondent in which it has been contended that at a meeting of the BJP Parliamentary Party held on 20 July, 2008, a whip was distributed amongst all the MPs who attended the meeting. The Respondent attended the said meeting and also signed the Attendance Sheet. The Petitioner further stated that the news about the issuance of the Whip was widely published in the newspapers and reported by various news channels.

7. Paragraph 2(1)(b) of the Tenth Schedule to the Constitution provides that subject to provisions of paragraphs 4 and 5, a Member of the House belonging to any political party shall be disqualified for being a Member of the House, if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs, without obtaining the prior permission of such political party or without obtaining the condonation of the political party for such voting or abstention within 15 days from the date of such voting or abstention. In the present case, the provisions of paragraphs 4 and 5 have no application.

8. In the decision of Dr. Mahachandra Prasad Singh Versus Chairman, Bihar Legislative Council and others (2004) 8 SCC 747, the Hon. Supreme Court has been pleased to observe that under the Tenth Schedule, "the final authority to take a decision on the question of disqualification of a Member of the House vests with the Chairman or the Speaker of the House. It is to be noted that the Tenth Schedule does not confer any discretion on the Chairman or Speaker of the House. Their role is only in the domain of ascertaining the relevant facts. Once the facts gathered or placed show that a Member of the House has done any such act which comes within the purview of sub-paragraphs (1), (2) or (3) of paragraph 2 of the Tenth Schedule, the disqualification will apply and the Chairman or the Speaker of the House will have to make a decision to that effect".

9. I gave opportunity of personal hearing to the parties and at the hearing held on 25 September, 2008, the Petitioner reiterated his contentions made in the petition and prayed for an order in terms of the petition for disqualification of the Respondent. The Respondent in his submission before me at the personal hearing submitted that although a meeting was held (according to him on 21$^{st}$ July), no mention or warning or direction was made by any party Member including the Petitioner saying that every Member

should vote or should not vote when the Motion was moved etc. He further stated that "I do not think, it will be proper to say that the general announcement was made in the meeting that all the NDA Members should vote against that. To the best of my knowledge, as I said, there was no such announcement or mention about what to do or not to do in that issue." The Respondent further contended that a public direction is not an individual specific direction to a Member. The Respondent's case thus is that he was not served any notice or direction; and be further stated that "if my voting in the interest of the nation on the Civilian Nuclear Deal had helped a particular party or a particular Government, which was in power at that particular point of time, I consider it only incidental it was purely on the issue of Civilian Nuclear Deal that I voted for….."

10. In his further submission, the Petitioner referred to a meeting held on 20 July, 2008 which was addressed by the Leader of the Opposition Shri L.K. Advani in which a clear direction was given regarding the manner of voting and that the meeting had been called only to discuss that issue. The Petitioner further stated that the Respondent had signed the Attendance Sheet, was present in the meeting and he was fully aware of the direction given during the proceedings of the meeting.

11. In his further answer, the Respondent stated that Shri L.K. Advani had spoken at the meeting in Hindi and there was no interpreter and that "I might not have understood because it was all in Hindi, which I do not very well speak or understand".

12. As there were disputed questions of fact, I requested both the parties to take oath for giving evidence, if they so desired and the Petitioner, on oath, reiterated his submissions made earlier and also stated that on the date of voting he had gone to the seat of the Respondent and had requested him to vote against the Motion.

13. The Respondent on oath stated that it was not factual that the Petitioner had given him a copy of the direction in the Parliament House. He said that when his vote had not been recorded initially, Shri Ananth Kumar (of BJP) and others came to him to ascertain what had happened; and he said: "I was still thinking what to do when my machine did notwork. Ultimatelty I decided to vote for the Civilian Nuclear Deal." The Respondent further added that "it was rather a patriotic decision that I took. I voted for the Civilian Nuclear Deal, not in favour of the UPA Government. If there was any favour for the UPA, it was just incidental." After the completion of the personal hearing, the Respondent submitted a letter dated 30 September, 2008 in which he reiterated the contention that it was required that the Petitioner should prove that the prescribed directions had been issued and that the Petitioner had not complied with the Constitutional requirement and that the Petitioner had failed to prove that any direction had been given to the Respondent.

14. From the pleadings and the records of the personal hearing, it is clear that the Respondent had voted in favour of the Motion on 22 July, 2008. The only question for me to decide now is whether the Respondent was issued any direction in terms of paragraph 2(1)(b) of the Tenth Schedule to the Constitution.

15. A Whip is a direction issued Political parties to Inform their Members of the issue before the Legislature and to direct them to vote in accordance with the Whip. Apart from issurance of specific direction, a stand taken by a political party on any important or contentious issue is expected to be known to its Members, specially the Legislators and also generally to the public at large. It is unreal to assume that the Legislators of a Party will not be a aware how they are required to vote on a given occasion, when any important matter comes before the House.

16. Nevertheless, a formal direction is usually given to ensure that every Member acts in accordance with the wishes and the directions of that Party, specially since the enactment of the Tenth Schedule.

17. The Hon'ble Supreme Court has observed in the decision of Kihota Hollohon v. Zachilhu & Ors. (AIR 1993 SC 412) that a direction as contemplated by para 2(1)(b) of the Tenth Schedule is required to be in writing and issued to the Members.

18. In my view, in construing the words 'directions issued', which appear in para 2(1)(b) of theTenth Schedule, it cannot be expected always that there will be signed receipt by the Members in acknowledgement of the actual service of the Whip on him or her. One has to consider the totality of circumstances and the plausibility of the case in coming to a finding whether directions were in fact issued to a Member concerned.

19. After giving my anxious consideration to the materials before me and considering the fact that the Respondent has admitted that he was present at the meeting of the party on 20 July, 2008, a day prior to the discussion on the Motion and that he was approached inside the House when his vote was not initially recorded, by the senior Members of the BJP and there was wide publicity of the matter and of the stand taken by the BJP to which the Respondent belongs, I am inclined to hold that the Respondent had been issued direction to be present in the House to take part in the Discussion and to vote against the Motion of Confidence in the Union Council of Ministers. It is difficult to accept the contention of the Respondent that although he was present at the Party meeting held on 20 July, 2008, he did not follow what had transpired at the said meeting because he did not know Hindi.

20. As the Speaker, my primary obligation is to ascertain the relevant facts as has been held by the Hon'ble Supreme Court. Having come to the conclusion that the Respondent has voted contrary to the direction of his party, the act of the Respondent comes within the purview of paragraph 2(1)(b) of the Tenth Schedule to the Constitution and I decide accordingly.

21. Thus, I hold that the Respondent Dr. H.T. Sangliana, an elected Member at Lok Sabha from Bangalore North (Karnataka) Constituency, has incurred disqualification under paragraph 2(1)(b) of the Tenth schedule to the Constitution of India by reason of his voting in favour of the Confidence Motion, moved by the Hon'ble Prime Minister of India, at the voting held on 22 July, 2008.

22. Thus the Respondent stands disqualified from continuing as a Member of the 14th Lok Sabha and it is declared that his seat has fallen vacant.

**SOMANATH CHATTERJEE**
SPEAKER, LOK SABHA"

NEW DELHI
Dated the 3 October, 2008

[No. 46/18/2008-T]
**P.D.T. ACHARY,** Secy. General

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
**ಆರ್. ಆಂಜಿನಿ**
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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